

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

October 14, 2010

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 10KD-073

Kauai

Cancellation of Revocable Permit S-7176 to Bernadine A. Soares, Widow and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping Purposes, Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-15: portion 37.

APPLICANT:

Bernadine A. Soares and Bernadette Uyesono, joint Venture,

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Kapaa situated at Kapaa, Kawaihau, Kauai, identified by Tax Map Key: (4) 4-5-15: portion 37, as shown on the attached map labeled Exhibit A.

AREA:

0.115 acres, more or less.

ZONING:

State Land Use District: Urban
County of Kauai CZO: Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered by Revocable Permit No. S-7176, Bernadine A Soares, Widow, Permittee, for storage and landscaping purposes.

CHARACTER OF USE:

Storage and landscaping purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$40.00 per month, based on staff appraisal dated September 3, 2010, attached as Exhibit B.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water or vegetation", as included in Exhibit B.

DCCA VERIFICATION:

Place of business registration confirmed: NA
Registered business name confirmed: NA
Applicant in good standing confirmed: NA

Applicant is landowner and, as such, is not required to register with DCCA,

REMARKS:

Revocable Permit No. S-5528 to Bernadine Soares was issued on February 1, 1978 with an area of 6,000 square feet for storage purposes. The Board at its September 11, 1998 meeting under Item D-3 approved the amendment of Revocable Permit No. S-5528 to reflect a change in the area under the permit from 6,000 for storage purposes to 12,516 square feet for storage and landscaping purposes. Revocable Permit No. S-7176 to Bernadine A Soares, was issued on September 11, 1998. Monthly rent was \$28.00.

Ms. Bernadine A Soares has done an outstandingly awesome job maintaining the area covered under RP S-7176. Because of her age she has requested that the area be reduced to just the area located directly behind her fee owned property, Tax Map Key No. (4) 4-5-014:003. The new area will be approximately 72 feet by 70 feet. The reduced area will be easier to maintain. She also requested that her daughter Bernadette Uyesono be on the new revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Because this is a portion of a 2.40-acre parcel, a long-term lease would require this parcel to be subdivided. Therefore a month-to-month tenancy is more appropriate than a long-term disposition.

This request is basically to add Bernadine daughter on to the revocable permit reduction in area. The character of use, "for storage and landscaping" has continued since 1978 till present day and will continue. The use has no significant impact to the natural environment of this area.

RECOMMENDATION: That the Board:

1. Authorize the cancellation of Revocable Permit S-7176.
2. Authorize the issuance of a revocable permit to Bernadine A. Soares and Bernadette Uyesono covering the subject area for storage and landscaping purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;

- b. Review and approval by the Department of the Attorney General; and
- c. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for Tommy Oi
District Land Agent

APPROVED FOR SUBMITTAL:

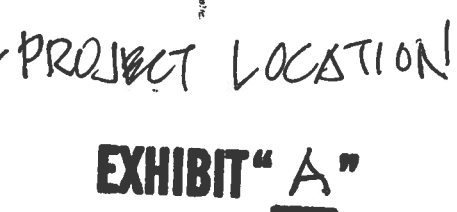


Laura H. Thielen, Chairperson



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TAX MAP			
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CONTAINING PARCELS			
SCALE 1 in = 200 ft			

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GRANT 5124

SEC. 6, PLAT 29

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SEC. 6, PLAT 14

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GRANT 5924

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TAXATION MAPS BUREAU TERRITORY OF HAWAII	
TAX MAP	
FOURTH	DIVISION
ZONE	SEC. PLAT
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CONTAINING PARCELS	
SCALE: 1 in. = 50 ft	
PRINTED	

SUBJECT TO CHANGE

POR. KAPAA TOWN LOTS, KAPAA, KAWAIIHAU, KAUAI

PRINTED



COPY

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 31, 2010

TO: Central
FROM: KDLO

No.: 10KD-073

MEMORANDUM

TO: Laura H. Thielen, Chairperson

THROUGH: Morris M. Atta, Acting Administrator

FROM: Cyrus C. Chen, Real Estate Appraisal Manager

SUBJECT: In-House Valuation Recommendation – Revocable Permit for Landscaping and Storage Purposes

PSF No.: 10KD-073
Applicant: Bernadine A. Soares & Bernadette Uyesono
Location: Kapaa, Kawaihau, Kauai
Land Area: 0.115 acres approximately (5,000 sq. ft.)
Tax Map Key: (4) 4-5-15: 45 por.
Char. of Use: Storage & Landscaping

We have been requested to provide a monthly rent amount for the issuance of a revocable permit for storage and landscaping purposes on the above-referenced property. This rent amount will be included in staff's submittal to the Board for approval of this permit and will not be effective unless such approval is received.

Subject is currently encumbered by RP S-7176 to Bernadine Soares (widow) for a monthly rent of \$32. This permit is to be cancelled upon approval of a new permit to the applicants. The area under the pending new permit is requested to be 5,000 sq. ft., a reduction of area from 12,516 sq. ft. for RP S-7176.

Based on recent permits issued for similar use and size on Kauai, we calculate the monthly rent as follows:

<u>Doc. No.</u>	<u>Rent</u>	<u>Usable Acreage</u>	<u>\$/Acre</u>
RP No. S-7338	\$77	0.27	\$285.19
RP No. S-7418	\$88	0.281	\$313.17
Average			<u>\$299.18</u>

EXHIBIT "B"



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

September 10, 2010

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Cancellation of Revocable Permit S-7176 to Bernadine A. Soares, Widow and Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono for Storage and Landscaping Purposes

Project / Reference No.: PSF: 10KD-073

Project Location: Kapaa, Kawaihau, Kauai, Tax Map Key: (4) 4-5-15: portion 45

Project Description: Issuance of Revocable Permit to Bernadine A. Soares and Bernadette Uyesono

Chap. 343 Trigger(s): Use of State Lands Through a Revocable Permit

Exemption Class No. and Description: #1

In accordance with the Division of Land Management Environmental Impact Statement Exemption List, approved by the Environmental Council and dated April 28, 1986, the subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states: "Operations, repairs, or maintenance of existing structures, facilities, equipment of topographical features, involving negligible of no expansion of change of use beyond that previously existing".

Exemption Notification for _____

Date

Page 2

This request is basically to add Bernadine daughter on to the revocable permit reduction in area. The charter of use, "for storage and landscaping" has continued since 1978 till present day and will continue. The use has no significant impact to the natural environment of this area.

Recommendation:

It is anticipated this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

Laura H. Thiele, Chairperson

Date